

REMARKS

Claims 1-15, 17-22, 24-42, 44-48 and 50-60 are pending in the present application. Of these claims, claims 1, 24 and 31 are independent in form. Each of these independent claims recites a knit tubular member, and thus this limitation is in all pending claims.

The Examiner asserts that the claims are anticipated by the disclosure of Cornelius et al. in U.S. Patent No. 5,338,295. Of particular importance to the remarks herein are the Examiner's assertion that Cornelius et al. disclose a braid which is woven in a clothing weave and that a weaved braid is the same as a knit. The Examiner cites to Webster's Ninth New Collegiate Dictionary to define weave as "to form by interlacing strands" and also turns to Webster's to define knit as "to form by interlacing in a series of connecting loops with needles". Applicants respectfully disagree with the Examiner's conclusion that these definitions are the same. Applicants firmly believe that such conclusion is contrary to the Webster's definitions and also contrary to Applicants' disclosure of what constitutes a knit tubular member relative to what the prior art discloses as comprising a braided or woven member.

Applicants use the term "knit tubular member" in their claim language and clearly define such term beginning on page 8, line 3 of the specification of the present application. This description is provided in the discussion of Figure 4, and the Examiner's attention is directed to that Figure. As stated in the specification, Figure 4 shows a front half of the knit tubular member 128. The knit member is preferably formed from a wire and includes a loop length L of the knit which may be about 3 mil. to 15 mil., and a peak-to-peak height H of the loops may be about 3 mil. to 30 mil. Figure 4 clearly shows the structure of the knit which includes loop length and peak-to-peak heights as indicated. It is further stated in the specification that the knit member is preferably knitted from a single strand and configured with "down loops" and "up loops" having

the same size. What is most clear from this description is that the tubular member being knit refers to a configuration of loops when looking at the knitted material surface and does not rely on whether or not the material is wrapped around the inner tubular member. This definition of knitted, as opposed to braided or woven, is supported by other teachings in the prior art. For example, U.S. Patent No. 5,662,713 discloses a self-expanding stent formed by knitting a wire into a pattern of overlapping loops, as indicated at page 2, line 28 of Applicants' specification.

In reviewing the teachings of Cornelius et al., Applicants respectfully assert that the woven or clothing weave disclosed by Cornelius et al. is not a knit tubular member as described and defined in Applicants' specification. In looking at the surface of the weave as indicated in Figure 2 by the Examiner, it is clear that these members are merely braided and do not contain the up loops and down loops of a knit member.

The impropriety of equating woven and knit tubular members is further borne out in the differences in the definition provided in Webster's Ninth New Collegiate Dictionary. Woven is merely defined as interlacing strands, while knit is defined as interlacing in a series of connected loops with needles. The Examiner seems to recognize that there is a difference in the definitions when discussing his response to Applicants' prior arguments. The Examiner asserts that there are multiple definitions given to the word "knit". However, we are presently dealing with only one definition which Applicants accept from the Webster's Ninth New Collegiate Dictionary. The Examiner attempts to assert that the Cornelius et al. disclosure includes a loop structure that occurs within a given strand within the weave by discussing the way in which a single strand loops around the tubular member. However, the strands merely each define a helical pattern as they circle around the tubular member. This is not the definition of a knit tubular member as disclosed in Applicants' specification. In Applicants' specification, it is clear that the term

"knit" refers to the disclosed structure when looking at the surface of the member which includes the up loops and down loops created in the knitting process. Cornelius et al. do not disclose or teach such structure.

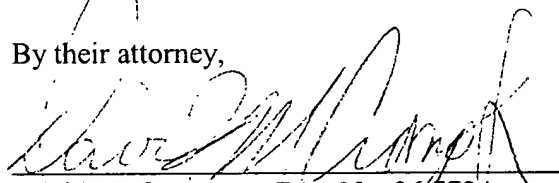
Further, the Examiner states that Applicants only use the word "knit" in the claims and doesn't necessarily define or state such loops and their relationships, orientations, or structural connectivity. Applicants respectfully traverse this assertion. The fact that Applicants use the term "knit" in the claims and defines such term in the specification is believed adequate. Applicants respectfully request that the Examiner reconsider the conclusion that knit and woven or braided are synonymous.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Jill McFadden et al.

By their attorney,



David M. Crompton, Reg. No. 367721
CROMPTON, SEAGER & TUFTE, LLC
331 Second Avenue South, Suite 895
Minneapolis, Minnesota 55401-2246
Telephone: (612) 677-9050
Facsimile: (612) 359-9349

Date: 1/25/02